IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8805 of 2003

Between:

1 Ravi Tobacco Supplies s/o. s.krishna murthy,
r/o.block no.3.,pasumarru village chilakaluripeta mandal,guntur
2 s.krishna murthy s/o.subbaiah,

Aged about 65 years, Occu: Agriculture,

R/o. Pasumarru village, Chilakaluripeta Mandal,

Guntur Distirct.

.....PETITIONER(S)

AND

State Bank of Hyderabad,

chilakaluripeta branch

Rep.,by its chief Manager(Advances),Patamata, Vijayawada

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent bank in issuing the impugned notices Nos.F.CC/147 and F./CC/148 dt.1408.2002 issued to the 1st and 2nd. Petitioners respectively under section 13(2) of the securitisation and reconstruction of financial Assets and Enforcement of security interest Act,2002 and the consequential possession notice dt 7;3;2003 issued by the respondent bank to

the 2nd petitioner under sectrion13(4)of the said Act,2002 as illegal arbitrary and against the principles of natural justice and also violative of articles 21,19 (g) and 300/A of the constitution of India and to pass such other order or orders.

Counsel for the Petitioner:MR.T.V.L.NARASIMHA RAO, Advocate.

Counsel for the Respondent : MR.K.V.SIMHADRI, Advocate.

The Court made the following :

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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28th June, 200004 G.ROHINI, J.

Tvr/Jsu

To

1. The Chief Manager(Advances), State Bank of Hyderabad, Patamata, Vijayawada

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